

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

BARBARA M. SWAFFAR

PLAINTIFF

v.

No. 4:13CV00631-JLH

CAROLYN W. COLVIN,
Acting Commissioner,
Social Security Administration

DEFENDANT

ORDER

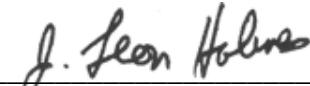
Barbara M. Swaffar has filed a request for attorneys' fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412. She seeks reimbursement of a total of 39.10 hours of attorney time (7.3 hours in 2013 and 31.80 hours in 2014) at the rate of \$183 per hour for 2013 and \$186 per hour for 2014. She seeks fees of \$1,335.90 for 2013 and \$5,914.80 for 2014 for a total of \$7,250.70.

The Commissioner of the Social Security Administration concedes that Swaffar is entitled to recover attorneys' fees, and she concedes that the hourly rates are appropriate, but she objects to 11.35 hours for 2014 as excessive or clerical in nature. She proposes that a reasonable fee under the Equal Access to Justice Act would be \$5,139.60 (7.3 hours x \$183 per hour for 2013 = \$1,335.90 plus 20.45 hours x \$186 per hour for 2014 = \$3,803.70).

After careful review, the Court does not agree with the Commissioner that Swaffar's fee request represents an excessive amount of time or that the time to which the Commissioner objects is clerical in nature. The brief filed by Swaffar in this matter reflects careful review of the administrative record, along with a detailed presentation of evidence contained in that record. The brief was sufficiently persuasive that the Commissioner moved to remand this case to the administrative law judge for further development of the record.

Barbara Swaffar's request for attorneys' fees and costs under the Equal Access to Justice Act is GRANTED. Document #14. The Commissioner shall pay to Barbara M. Swaffar the sum of \$7,250.70 as attorneys' fees.

IT IS SO ORDERED this 24th day of September, 2014.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE